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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Guenter Weinberger *et al.* Confirmation No. 2140
Serial No.: 10/699,022 Art Unit: 2115
Filed: October 31, 2003 Examiner: Wang, Albert C.
For: **CONVERGENCE DEVICE WITH DYNAMIC PROGRAM
THROTTLING BASED ON POWER INDICATOR**

REQUEST FOR RECONSIDERATION

Mail Stop Patent Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Barnes & Thornburg LLP
Customer No.

23646

U.S. Patent and Trademark Office

Sir:

In response to the official Patent Office action dated April 4, 2006, wherein claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Collins, U.S. Patent 6,697,953, in view of Gschwind, *et al.*, U.S. Patent 6,948,082, reconsideration of the rejection is hereby requested based on the following arguments.

Independent method Claim 1, device Claim 19 and article manufacture 20, each include the following limitations: (a) storing for at least a given one of a plurality of noncritical programs associated with the data communication functions an identifier of at least one alternate capacity program performing substantially the same function as the given program but having a different power source capacity associated therewith; and (b) based at least in part on a power indicator representative of a characteristic of the power source, replacing execution of the given program with execution of the alternate capacity program, such than an amount of power source capacity utilizable for the voice call communication functions is increased.

The Office action is correct in that Collins does show a method for producing power consumed in a battery-powered device including a cellular phone based on various preselected criteria based on the capacity of the battery. Contrary to the rejection, there is no discussion in Collins of voice versus data communication.